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3/5/08
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FILED

DERRICK MORTON,

DOC # 8

Petitioner,

: SUPPLEMENTAL
: AFFIRMATION IN
: SUPPORT OF MOTION
: TO PROCEED IN FORMA
: PAUPERIS

v.

ROBERT ERCOLE, Superintendent,
Green Haven Correctional Facility,

Respondent.

: 08 Civ. 0252(RJS)

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

JONATHAN M. KIRSHBAUM, an attorney admitted to practice in this Court, affirms under penalty of perjury, pursuant to 28 U.S. § 1746, that the following statements are true:

1. I am an attorney at the Center for Appellate Litigation, which represents petitioner Derrick Morton in his petition for a writ of habeas corpus, which was filed on January 10, 2008.

2. At the time he filed his petition, Mr. Morton also moved to proceed in forma pauperis. This motion was granted on January 10, 2008, subject to Mr. Morton providing the court with his prison account information as required under Rule 3(a)(2) of the Rules Governing Section 2254 Cases in the United States District Court. The order has been attached as exhibit A. Mr.


Morton was given 120 days from the date of the order to submit the required documentation.

3. On February 12, 2008, Karen Tompkins in the Inmate Accounts Unit at Green Haven Correctional Facility faxed the undersigned a copy of the inmate account statements for Mr. Morton from September 2007 through January 2008. These statements have been attached as Exhibit B.

4. As Mr. Morton has provided the required documentation within 120 days of this Court's order, he is in compliance with the order granting in forma pauperis status.

WHEREFORE, this Court's order granting Mr. Morton in forma pauperis status should be continued.

Dated: New York, New York
February 19, 2008


Jonathan M. Kirshbaum (JK-7776)
Attorney for Petitioner
✓ Derrick Morton
(212)577-2523, ext. 25

*Petitioner's motion to
proceed in forma pauperis is
granted.*

SO ORDERED

Date:

2/29/08


RICHARD J. SULLIVAN
U.S.D.J.